



# MONTANA ASSOCIATION OF LAND TRUSTS

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SENATE TAXATION  
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*Testimony of Glenn Marx  
Montana Association of Land Trusts  
SB 129 – Senate Taxation – Feb. 4, 2009*

Mr. Chairman, my name is Glenn Marx and I am executive director of the Montana Association of Land Trusts, a group of 12 nonprofit land trusts whose focus is private land conservation. We support SB 129 and the bill's intent to reduce the risks and costs of fighting wildfires in the wildland-urban interface.

The Montana Association of Land Trusts would like to acknowledge the hard work and determination of the sponsor, Senator Dave Lewis, and thank him for his work on this bill and for his work on the Legislative Fire Suppression Committee.

The basis for this legislation took place in the field hearings, public comments and deliberations of the Montana Fire Suppression Committee. SB 129 combines private land conservation with private land fire mitigation to create a new program – perhaps the first of its kind in the country – that addresses a broad scope of issues within the wildland-urban interface, and within land management policies.

During virtually every Fire Suppression Committee hearing, people testified that the residential growth within the wildland-urban interface, combined with the expansion through residential growth of the wildland-urban interface itself, was stretching firefighting capacity to the breaking point. Volunteer firefighters, county commissioners, landowners, state agencies, county planners, regional fire authorities and federal fire officials testified over and over that residential development in the forest fringe is a serious firefighting problem.

Maybe all their testimony was summed up best by a firefighter from Red Lodge, who told the Fire Suppression Committee "You gotta deal with development."

Certainly the Fire Suppression Committee's final report stated a comparable recommendation. Two predictions from the final report are as sensible as they are simple: "...lack

of landowner incentives to treat fuels on private land will ensure continued risk of complex wildland interface fires.” And, “Development in the wildland-urban interface will continue to increase without adequate controls on land development.”

In other words, Mr. Chairman, the report says pretty much what the Red Lodge firefighter said. If you want to deal with fire risks and fire costs, “You gotta deal with development.”

That’s exactly what SB 129 does, and does so on a voluntary, incentive-based basis.

Here is a quick run-through of the bill’s major provisions.

New Section 4 deals with the land conservation portion of the bill. It states the bill only applies to property 160 acres or more within a defined wildland-urban interface. To qualify for this program, the landowner must enter into a conservation easement and if there is going to be additional development on that land, it must be restricted to one acre of residential development per 160 acres, and any residences constructed on this property must be approved in writing by DNRC and a professional forester to make sure the development is consistent with fire protection priorities.

New Section 5 deals with wildfire risk reduction provisions. It states after rulemaking, the landowner and DNRC must establish a wildfire risk reduction plan on the property to ensure forest health, forest stewardship and a reduction in the risk of catastrophic fire. The bill requires the landowner to adopt best management practices – defensible or survivable space – for any development on the property. Any new residential buildings must be built using firewise building materials. This plan would be updated every five years, would be on file at the courthouse and would run as long as the conservation easement is in place.

Landowners who voluntarily take these conservation fire mitigation actions would be entitled to participate in New Section 6, which is a state income tax credit up to \$100,000, with a 15-year carryforward. The tax credit would only be awarded after DNRC certifies the landowner has complied with the provisions of the statute.

Mr. Chairman, I know there are some concerns about the dollar amount in the fiscal note. But remember two years ago the State of Montana paid \$40 million to fight wildland fires. That same kind of fire, in future years, will be vastly more expensive unless things change. This bill helps make those changes. Each provision in this bill helps to reduce the cost of future wildland fires. Wildland fires don’t have to ask for fiscal notes before they run through the forest, but if they did, those future wildland fire fiscal notes would be less with this bill in place.

Pat McKelvy of FireSafe Montana has said landowners generally need three broad incentives to properly take fire protection actions on their land. Those three incentives are: Motive, means, and opportunity. SB 129 absolutely provides all three.

The purpose of this proposal is to provide a voluntary and incentive-based approach to help reduce the growing costs and expanding concerns of fighting fires in the wildland-urban interface. If implemented, this program would serve as an effective, practical and valuable policy that would protect private property rights while assisting firefighters and containing firefighting costs.